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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GERALD R. KOEFELDA and DONALD L. BELL

Application No. 09/710,516

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 10, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that the appellants filed the Appeal Brief of February 9, 2005 using the format set forth in 37 CFR § 1.192(c). However, 37 CFR § 1.192 was abolished on September 13, 2004, and replaced by 37 CFR § 41.37(c). Accordingly, the Appeal Brief filed on February 9, 2005 does not comply with 37 CFR § 41.37(c).

Upon an in-depth review of the Appeal Brief indicates that the following sections are missing from the Appeal Brief of February 9, 2005:

- 1) "Evidence Appendix", as set forth in 37 CFR § 41.37(c)(1)(ix); and
- 2) "Related Proceedings Appendix", as set forth in 37 CFR § 41.37(c)(1)(x).

A Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c) is required. For more information See United States Patent and Trademark website www.uspto.gov, in particular the web page entitled More Information on the Rules of Practice Before the BPAI, Final rule at:

<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>.

Accordingly it is

ORDERED that the application is electronically returned to the Examiner:

- 1) to hold the Appeal Brief of February 9, 2005 defective;
- 2) for applicant to file a Supplemental Appeal Brief in compliance with 37 CFR § 41.37;
- 3) and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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